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RESPONSE UNDER 37 C.F.R. § 1.116  
EXPEDITED PROCEDURE  
EXAMINING GROUP 2600

AF  
JRW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: D.A. Miller

Attorney Docket No.: DIGE123354

Application No.: 09/883,098

Art Unit: 2617 / Confirmation No.: 7973

Filed: June 14, 2001

Examiner: James R. Sheleheda

Title: ADVERTISEMENT SWAPPING USING AN AGGREGATOR FOR AN  
INTERACTIVE TELEVISION SYSTEM

TRANSMITTAL LETTER FOR RESPONSE  
AFTER FINAL REJECTION UNDER 37 C.F.R. § 1.116

January 4, 2006

TO THE COMMISSIONER FOR PATENTS:

A. Response Transmittal

Transmitted herewith is a response to an Office Action in the above-identified application. No additional claim fee is required.

B. Additional Fee Charges or Credit for Overpayment

The Commissioner is hereby authorized to charge any fees under 37 C.F.R. §§ 1.16, 1.17 and 1.18 which may be required during the entire pendency of the application, or credit any overpayment, to Deposit Account No. 03-1740. This authorization also hereby includes a request for any extensions of time of the appropriate length required upon the filing of any reply during the entire prosecution of this application.

Respectfully submitted,

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I hereby certify that this correspondence is being deposited with the U.S. Postal Service in a sealed envelope as first class mail with postage thereon fully prepaid and addressed to Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the below date.

Date: 1. 4. 2006  
KLM/sdd



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Applicant: D.A. Miller Attorney Docket No.: DIGE123354 (Digeo 84.1)  
Application No.: 09/883,098 Art Unit: 2617 / Confirmation No: 7973  
Filed: June 14, 2001 Examiner: James R. Sheleheda  
Title: ADVERTISEMENT SWAPPING USING AN AGGREGATOR FOR AN  
INTERACTIVE TELEVISION SYSTEM

## **RESPONSE TO FINAL OFFICE ACTION**

Seattle, Washington 98101

January 4, 2006

**TO THE COMMISSIONER FOR PATENTS:**

Applicant respectfully requests reconsideration of the final Office Action mailed October 4, 2005. In the Office Action, the United States Patent and Trademark Office (hereinafter "the Office") rejected Claims 1, 2, 4-8, 15-19, 21-23, 26-28, 32, and 34, under 35 U.S.C. § 103(a) as being unpatentable in view of Hite et al. (U.S. 5,774,170), Bendinelli et al. (U.S. 6,061,719), and further in view of Zigmond et al. (U.S. 6,698,020). Claims 29-31 were rejected as being unpatentable in view of Hite et al., Bendinelli et al., Hinderks (U.S. 2001/0025377), and further in view of Zigmond et al. Claims 9-14, 20, 24, 25, and 33 were rejected as being unpatentable in view of Hite et al., Bendinelli et al., Zigmond et al., and Hinderks. Claim 3 was rejected as being unpatentable in view of Hite et al., Bendinelli et al., Zigmond et al., and further in view of Alexander et al. (U.S. 6,177,931).

After carefully reviewing the cited art and the pending claims, applicant requests reconsideration of the application in view of the following remarks.

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